

**DISTRIBUTION
HEARING
EXHIBIT 7004**

Electronically Filed
Docket: 2012-6 CRB CD 2004-2009
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Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of)

)
Distribution of the 2004, 2005, 2006, 2007,)
2008 and 2009 Cable Royalty Funds)

Docket No. 2012-6 CRB CD 2004-2009
(Phase II)

In the Matter of)

)
Distribution of the 1999-2009 Satellite)
Royalty Funds)

Docket No. 2012-7 CRB SD 1999-2009
(Phase II)

DECLARATION OF PETER T. VAY

I, Peter T. Vay, hereby state and declare as follows:

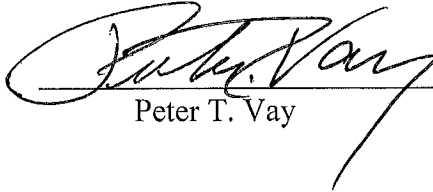
1. I am the manager of research services in the Washington, D.C., office of the law firm Pillsbury Winthrop Shaw Pittman LLP. Prior to joining Pillsbury's legacy firm Shaw Pittman Potts & Trowbridge in 2001, I worked as an Interlibrary Loan Specialist for the law firm Williams & Connolly from 1996 to 2001. I also hold a graduate degree in Library Science from The Catholic University of America in Washington, D.C. In twenty years of working as a librarian, I have developed an expertise in locating obscure and hard-to-find print materials from various lending institutions, including public, private, government, and other specialized libraries and repositories.

2. Between May and July 2016, I conducted research to locate copies of the Nielsen Station Index Report on Devotional Programs (“Nielsen Devotional Programs Report”) for the years of 1999-2003. As detailed below, my search was unavailing.
3. I contacted Nielsen directly. Their media team confirmed that Nielsen does not maintain copies of the Devotional Programs Report for the years in question.
4. Next, I searched the database of the Online Computer Library Center, Inc. (OCLC), for issues of the Nielsen Devotional Programs Report. OCLC’s database contains the holdings of thousands of public, government, university, law, and specialized libraries in the United States and abroad. Regent University was the only library with a match. And the record lacked information on the years covered by the university’s collection. A Regent University librarian confirmed that its collection only contains the 1996 issue of the Nielsen Devotional Programs Report.
5. I also searched OCLC’s database more broadly for issues of the Nielsen Report on Syndicated Program Audiences. The search returned a list of eighteen libraries with such holdings. I checked the online catalogs for all eighteen libraries. Seventeen libraries did not list the years of 1999-2003, even though some listed either earlier or later years; one—the New York Public Library—was silent on the years covered but stated that volume two of the Nielsen Report on Syndicated Program Audiences covers devotional programs. I contacted the New York Public Library to confirm whether they maintain any physical copies of the Nielsen Report on Syndicated Program Audiences. A librarian checked the shelves but found no holdings for the volume on devotional programs. The librarian then checked and confirmed that the volume on devotional programs required an additional subscription, which is not part of the New York Public Library’s collection.

6. Last, I posted a request to the American Association of Law Libraries' listserv to ascertain whether any law libraries in the United States have acquired copies of the 1999-2003 Nielsen Devotional Programs Report. To date, I have not received a single response from any of the libraries on the listserv, indicating that none of the law libraries maintain the report for these years in their collections.

I hereby declare under penalty of perjury that the foregoing is true and correct.

July 21, 2016



Peter T. Vay

Certificate of Service

I hereby certify that on Thursday, April 05, 2018 I provided a true and correct copy of the 7004 - Vay Declaration to the following:

Independent Producers Group (IPG), represented by Brian D Boydston served via Electronic Service at brianb@ix.netcom.com

MPAA-Represented Program Suppliers, represented by Gregory O Olaniran served via Electronic Service at goo@msk.com

Signed: /s/ Michael A Warley